

REMARKS

Claims 84 - 92 and 105 - 113 are pending. Claims 102 - 104 have been cancelled. Claims 105 - 113 have been added. No new matter has been introduced. Reexamination and reconsideration of the application are respectfully requested.

In the February 9, 2005 Office Action, the Examiner rejected claims 84 - 91 and 102 - 104 under 35 U.S.C. § 101 as being inoperative because the executable code fails to specify that it is stored on a computer readable medium. Applicant, with the help of Examiner Lugo, has amended the claims which now disclose that the executable program code is stored on a computer readable medium. Accordingly, applicant respectfully requests that the rejection under 35 U.S.C. § 101 be withdrawn.

The Examiner rejected claims 91 and 92 under 35 U.S.C. § 112, second paragraph, as being indefinite. The applicant has amended the claims to address the Examiner's concerns and respectfully request that the rejection under 35 U.S.C. § 112 be withdrawn.

In the February 9, 2005 Office Action, the Examiner rejected claims 84, 88, 89, 102, and 104 under 35 U.S.C. § 102(a) as being anticipated by the product disclosure of Tryllian ("the Tryllian reference"). The Examiner rejected claims 84, 85, 88 - 90, and 102 - 104 under 35 U.S.C. § 102(b) as being anticipated by EP Patent No. 360,613 to Sarbin ("the Sarbin reference"). The Examiner rejected claims 84, 86 - 89, 102, and 104 as being anticipated by U.S. Patent No. 4,277,837 to Stuckert ("the Stuckert reference"). The Examiner rejected claims 85 and 103 under 35 U.S.C. § 103(a) as being unpatentable over the Stuckert reference in view of the Sarbin reference. The Examiner rejected claims 86 and 87 under 35 U.S.C. 103(a) as being unpatentable

over the Sarbin reference in view of the Stuckert reference. The Examiner rejected claims 91 and 92 under 35 U.S.C. 103 as being unpatentable over the Tryllian reference in view of the Bluetooth protocol. These rejections are respectfully traversed in so far as they are applicable to the presently pending claims.

Independent claim 84, as amended, recites:

A self-contained business transaction capsule, comprising:
a machine readable storage medium including data regarding transaction products, transaction services, and transaction participants;
machine readable program code, stored on the machine-readable storage medium, the machine readable program code having instructions, which when executed cause a wireless communicating electronic device to:
facilitate interaction between the transaction participants and the self-contained business transaction capsule;
facilitate modification of the wireless business transaction; and
allow transfer of the entire self-contained business transaction capsule from wireless communicating electronics device to other transaction participants wireless electronics devices utilizing wireless communications.

The Examiner states that the Tryllian reference discloses the highlighted limitation because the Tryllian reference discloses that a user sends his agent with a task and the agent is sent to contact another participant. (*Office Action, page 4*). The applicant respectfully submits that Tryllian reference is not disclosing the highlighted limitation, is disclosing only server interactions, and also is disclosing that a mobile agent moves about in a defined server environment to find requested information. Specifically, the Tryllian reference discloses that mobile agent users are provided with a home base (a server area) from which they can access their mobile agents (which are also resident on the server) from options that developers have provided for them. Users can then dispatch the mobile agents with certain tasks or parameters. The mobile agents then travel to and from Marketplaces within AgentWorld to achieve their

goals. Users can check in on their agents to monitor progress or to allow the agents to contact them when they have results or updates. (*Tryllian, page 15*). Users and agents can contact each other while agents are on a Marketplace via web page interfaces, SMS messaging, etc. (*Tryllian, pages 15 - 16*). AgentWorld is self-contained universe with servers and can be established on the Tryllian network or your own server. The infrastructure includes vast information databases, online shopping catalogues, user groups and communities, and messaging services. (*Tryllian, pages 8 and 19*). Mobile agents are described as virtual robots that can carry out tasks autonomously and travel across networks of computers and other devices. (*Tryllian, page 14*).

This is not the same as a self-contained business transaction capsule including **machine readable program code**, stored on the machine-readable storage medium, the machine readable program code having instructions, which when executed cause a wireless communicating electronic device to **allow transfer of the entire self-contained business transaction capsule from wireless communicating electronics device to other transaction participants wireless electronics devices utilizing wireless communications**. It is not the same because the Tryllian reference is disclosing that a user can communicate with a mobile agent that is located on a server, e.g., within Agent World or the marketplace. Using the Tryllian system, the user can utilize a mobile phone to communicate with the agent or to instruct the agent to meet up at another location. There is no disclosure in the Tryllian reference of a self-contained business transaction capsule including machine readable program code, the machine readable program code having instructions, which when executed, that cause a wireless communicating electronic device to **allow transfer of the entire self-**

contained business transaction capsule from the wireless communicating electronics device to other transactions participants utilizing wireless communications. In other words, the Tryllian reference never discloses that the entire capsule, including the executable instructions and the data, can be transferred to other participants wireless electronics devices utilizing wireless communications. The Tryllian reference only discloses 1) that SMS messaging can be used to communicate between the user and the mobile agent or 2) that a customer can use a computer, mobile phone, or PDA to communicate with the mobile agent. There is no discussion of **transfer of the entire self-contained business capsule.** The mobile agent does move within the self-contained Marketplace (which is a network of servers) to gather requested information but this is not transferring the entire self-contained business transaction capsule between wireless electronics devices utilizing wireless communications. The mobile agent is like well-known web robots which go and query other web sites for information. Accordingly, applicant respectfully submits that claim 84, as amended, distinguishes over the Tryllian reference.

The Sarbin reference does not make up for deficiencies of the Tryllian reference. The Sarbin reference discloses that the smart card (e.g., data transfer unit) includes a memory and a processor which has addressing, control, protection, and/or encryption circuitry. An interface unit in each game machine in the Sarbin reference is adapted to receive the card for accessing the data in the card memory. A central data processor can also receive the card and has means to access the data. The processor on the card is adapted to record machine data from the game machine into the data memory of the card and to modify player information in the data memory. When the Sarbin

cards are returned to the central data processor, the cards provide casino management a detailed overview of the casino organization and permit statistical analysis of player and machine behavior. (*Sarbin, Abstract and col. 7, line 6 - col. 8, line 39*). In other words, the Sarbin reference is disclosing only that data is recorded on a smart card by each machine and that information on the card is transferred to a central data processor when inserted into the central data processor.

The Sarbin reference does not disclose, teach, or suggest the self-contained business transaction capsule of claim 84, as amended. There is no disclosure of a wireless communications occurring between transaction participants in the Sarbin reference. Communications only occurs between a memory card 20 and casino gaming machines 10 and the memory card 20 and a central data processor 92 when the memory card is inserted into the gaming machine and central data processor. This is not the same as a self-contained business transaction capsule **including machine readable program code**, stored on the machine-readable storage medium, **the machine readable program code having instructions**, which when executed cause a **wireless communicating electronic device to allow transfer of the entire self-contained business transaction capsule from wireless communicating electronics device to other transaction participants wireless electronics devices utilizing wireless communications**. It is not the same because there is no disclosure of wireless electronics communications. Further, there is no disclosure of the entire self-contained business transaction capsule being transferred to other transactions participants wireless electronics devices because the Sarbin reference is directed to memory cards being utilized to store data regarding users (from the gaming machines)

and transferring data regarding the user to a central data processor. There is no disclosure of the entire self-contained business transaction capsule (including machine readable program code having instructions, which when executed, which are also transferred. Accordingly, applicant respectfully submits that claim 84, as amended, distinguishes over the Sarbin reference, alone or in combination with the Tryllian reference.

The Stuckert reference does not make up for the deficiencies of the Tryllian reference and the Sarbin reference. The Stuckert reference does not disclose wireless communications between devices, i.e., personal portable terminals. This is not the same as a self-contained business transaction capsule including machine readable program code, stored on the machine-readable storage medium, the machine readable program code having instructions, which when executed cause **a wireless communicating electronic device to allow transfer of the entire self-contained business transaction capsule from wireless communicating electronics device to other transaction participants wireless electronics devices utilizing wireless communications.** It is not the same because the Stuckert reference does not disclose wireless communications between electronic devices.

Further, the Stuckert reference is directed to personal portable terminals which allow the use of personal data storage and transfer cards (DSTC). The user of the device would allow users, who each have a separate DSTC card, to consummate a wide variety of transactions. The Stuckert reference discloses that the portable device could accept both a purchaser's and seller's DSTC. The portable device records a credit in one DSTC and a debit in the other DSTC together with appropriate account

identification data. The Stuckert reference also discloses a device having a keyboard for entering data into the device which is to be recorded in the individual DSTCs and a display for specifying the transaction data to allow verification of entered data by the parties to the transactions prior to actual entry on the DSTCs. (*Stuckert, col. 3, lines 5 - 16*). There is no disclosure in the Stuckert reference that anything but data is transferred from one personal data storage and transfer card to another. Thus, there is no disclosure that the **entire self-contained business transaction capsule** (including executable instructions) is transferred from a wireless electronics device to other transaction participants wireless electronics devices utilizing wireless communications. Accordingly, claim 84, as amended, distinguishes over the Stuckert reference, alone or in combination with the Tryllian and Sarbin references.

The Examiner utilizes the Bluetooth reference to disclose that short-range radio waves can be utilized with portable electronic devices. Applicant understands the Examiner's utilization of the Bluetooth reference but the Bluetooth reference does not disclose a **self-contained business transaction capsule** including machine readable program code, stored on the machine-readable storage medium, the machine readable program code having instructions, which when executed cause **a wireless communicating electronic device to allow transfer of the entire self-contained business transaction capsule from wireless communicating electronics device to other transaction participants wireless electronics devices utilizing wireless communications**. Accordingly, applicant respectfully submits that claim 84, as amended, distinguishes over the Tryllian / Sarbin / Stuckert / Bluetooth reference combination.

Claim 105 recites limitations similar to claim 84, as amended. Accordingly, applicants respectfully submit that claim 105 distinguishes over the Tryllian, Sarbin, Stuckert, and Bluetooth references, alone or in combination, for the same reasons as discussed above in regard to claim 84, as amended.

Claims 85 - 92 and 106 - 113 depends, directly or indirectly, on claims 84 and 105, respectively. Accordingly, applicants respectfully submit that claims 85 - 92 and 106 - 113 distinguish over the Tryllian, Sarbin, Stuckert, and Bluetooth references for the same reasons as discussed above in regard to claim 84, as amended.

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Applicant believes that the claims are in condition for allowance, and a favorable action is respectfully requested. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call either of the undersigned attorneys at the Los Angeles telephone number (213) 488-7100 to discuss the steps necessary for placing the application in condition for allowance should the Examiner believe that such a telephone conference would advance prosecution of the application.

Respectfully submitted,

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